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IFW/RCE
ATTY. DOCKET NO.: FDS-P10.1-US

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ATTORNEY AT LAW
Admitted in PA and NJ
Registered Patent Attorney

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT : Jonathan D. Douglas et al.
TITLE : ESTIMATING EVAPORATOR AIRFLOW IN
VAPOR COMPRESSION CYCLE COOLING
EQUIPMENT
APPLN. NO. : 10/614,598
FILING DATE : July 7, 2003
EXAMINER : Marc E. Norman
ART UNIT : 3744
ATTORNEY DOCKET NO. : FDS-P10.1-RCE

TO: Mail Stop: RCE
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

**REQUEST FOR REINSTATEMENT AND RESUBMISSION OF A REQUEST FOR
CONTINUED EXAMINATION UNDER 37 CFR §1.114**

Sir:

Applicant received a Notice of Abandonment dated October 21, 2004, in the above-captioned application. The reason given by the U.S. Patent and Trademark (PTO) for issuing the Notice of Abandonment was Applicant's failure to timely pay the required issue fee and publication fee within the statutory period of three months from the mailing date of the Notice of Allowance.

The PTO issued a Notice of Allowance and Fee due on June 8, 2004. The Notice of Allowance set a due date of September 8, 2004, for the payment of the issue fee and publication fee.

In response to the Notice of Allowance, Applicants submitted a Request for Continued Examination (RCE) and an Information Disclosure Statement (IDS) using the PTO's Express Mailing procedures on July 2, 2004. As evidence that Applicants filed an RCE on July 2, 2004, enclosed are copies of the following:

a) Express Mail Label EU887722995US bearing the U.S. Postal Service's (Boothwyn, PA) date stamp of July 2, 2004;

b) U.S.P.S. Receipt that an envelope bearing Express Mail Label No. EU887722995US was submitted on July 2, 2004 at 3:12:04 PM totaling \$13.65; and

c) self-addressed postcard dated stamped on July 2, 2004 by the U.S. Patent and Trademark Office confirming receipt of the seven documents listed thereon.

The date stamp on the postcard was smeared by rain water, yet is still legible and is *prima facie* evidence under 37 CFR § 1.10 that the documents were timely filed and received by the U.S. Patent and Trademark Office.

Applicants are re-submitting six documents which were clearly listed on the postcard bearing the U.S. PTO date stamp of July 2, 2004; the seventh document was the Credit Card charge form. Since the PTO charged Applicants' attorney's Discover Card the \$385 RCE fee on July 9, 2004, Applicants are not enclosing another copy of the Credit Card charge form herewith.

The six documents being resubmitted are as follows:

- 1) Certificate of Express Mailing (Label # EU887722995US), dated July 2, 2004 (1 pg.) and signed by the undersigned attorney;
- 2) Request for Continued Examination (RCE) Transmittal (1 pg.);
- 3) Information Disclosure Statement (5 pgs.);
- 4) Five Non-Patent documents;
- 5) Fee Transmittal for FY 2004 (1 pg.); and
- 6) PTO-1449 Form (4 pgs.).

All six documents listed above (and the seventh document, namely the Credit Card Charge Form) bear Express Mail No. EU887722995US in accordance with 37 CFR §1.10.

The Applicants respectfully submit that they properly responded to the Notice of Allowance by filing an RCE. The reason for filing the RCE was to submit an Information Disclosure Statement (IDS). Pursuant to 37 CFR § 1.114(c), the filing of an IDS is a proper submission when filing an RCE.

In summary, Applicants complied with 37 CFR §§ 1.10 and 1.114, the PTO acknowledged receipt of the RCE and IDS by date-stamping Applicants' self-addressed postcard that accompanied the RCE, and the PTO has charged the undersigned attorney's Discover Card the RCE fee. It is evident that abandonment occurred through no fault of Applicants.

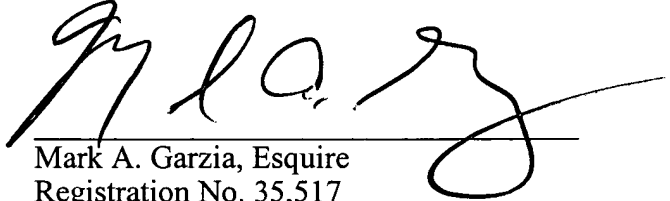
In view of the above, Applicants respectfully request that the holding of abandonment be withdrawn, that this application be reinstated, and that the application be returned to Examiner Mark E. Newman in Art Unit 3744, for consideration of the IDS and the documents listed on the accompanying four pages of Form PTO-1449.

Should the PTO have any questions regarding this communication, it is respectfully requested that they telephone the undersigned attorney in order to prevent any further delay in the prosecution of this application.

Respectfully submitted,

Douglas et al.

Date: 20 NOVEMBER 2004


Mark A. Garzia, Esquire
Registration No. 35,517
Attorney for Applicants

Law Offices of Mark A. Garzia
2058 Chichester Ave.
Boothwyn, PA 19061
Telephone: (610) 485-9400

CERTIFICATE OF MAILING

I hereby certify that this communication, along with any paper or fee indicated as being enclosed, is being deposited with the United States Postal Service as First Class Mail, postage prepaid, in an envelope addressed to Mail Stop RCE, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date indicated below.

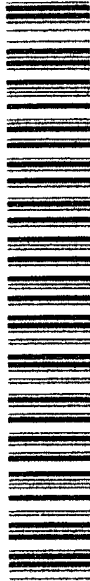
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Mark A. Garzia



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PTO/SB/30 (09-03)

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U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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Request
for
Continued Examination (RCE)
TransmittalAddress to:
Mail Stop RCE
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Application Number	10/614,598
Filing Date	July 7, 2003
First Named Inventor	DOUGLAS, Jonathan D.
Art Unit	3744
Examiner Name	Marc E. Norman
Attorney Docket Number	FDS-P10.1-US

This is a Request for Continued Examination (RCE) under 37 CFR 1.114 of the above-identified application. Request for Continued Examination (RCE) practice under 37 CFR 1.114 does not apply to any utility or plant application filed prior to June 8, 1995, or to any design application. See Instruction Sheet for RCEs (not to be submitted to the USPTO) on page 2.

1. **Submission required under 37 CFR 1.114** Note: If the RCE is proper, any previously filed unentered amendments and amendments enclosed with the RCE will be entered in the order in which they were filed unless applicant instructs otherwise. If applicant does not wish to have any previously filed unentered amendment(s) entered, applicant must request non-entry of such amendment(s).

- a. ☐ Previously submitted. If a final Office action is outstanding, any amendments filed after the final Office action may be considered as a submission even if this box is not checked.
- i. ☐ Consider the arguments in the Appeal Brief or Rely Brief previously filed on _____
- ii. ☐ Other _____
- b. ☒ Enclosed
- i. ☐ Amendment/Reply
- iii. ☒ Information Disclosure Statement (IDS)
- ii. ☐ Affidavit(s)/ Declaration(s)
- iv. ☐ Other _____

2. **Miscellaneous**

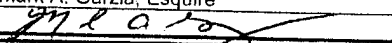
- a. ☐ Suspension of action on the above-identified application is requested under 37 CFR 1.103(c) for a period of _____ months. (Period of suspension shall not exceed 3 months; Fee under 37 CFR 1.17(i) required)
- b. ☐ Other _____

3. **Fees**

- The RCE fee under 37 CFR 1.17(e) is required by 37 CFR 1.114 when the RCE is filed.
- The Director is hereby authorized to charge the following fees, or credit any overpayments, to
- a. ☐ Deposit Account No. _____
- i. ☐ RCE fee required under 37 CFR 1.17(e)
- ii. ☐ Extension of time fee (37 CFR 1.136 and 1.17)
- iii. ☐ Other _____
- b. ☐ Check in the amount of \$ _____ enclosed
- c. ☒ Payment by credit card (Form PTO-2038 enclosed)

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED

Name (Print/Type)	Mark A. Garzia, Esquire	Registration No. (Attorney/Agent)	35,517
Signature		Date	2 JULY 2004

CERTIFICATE OF MAILING OR TRANSMISSION

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Mail Stop RCE, Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450 or facsimile transmitted to the U.S. Patent and Trademark Office on the date shown below.

Name (Print/Type)	Mark A. Garzia, Esquire
Signature	

Date

This collection of information is required by 37 CFR 1.114. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop RCE, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

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PTO/SB/17 (10-03)

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FEE TRANSMITTAL

for FY 2004

Effective 10/01/2003. Patent fees are subject to annual revision.

☒ Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$) 385

Complete if Known

Application Number	10/614,598
Filing Date	July 7, 2003
First Named Inventor	DOUGLAS, Jonathan D.
Examiner Name	Marc E. Norman
Art Unit	3744
Attorney Docket No.	FDS-P10.1-US

METHOD OF PAYMENT (check all that apply)

☐ Check ☒ Credit card ☐ Money Order ☐ Other ☐ None

☐ Deposit Account:

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 Deposit Account Name

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☐ Charge fee(s) indicated below ☐ Credit any overpayments

☐ Charge any additional fee(s) or any underpayment of fee(s)

☐ Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.

FEE CALCULATION

1. BASIC FILING FEE

Large Entity Fee Code (\$)	Small Entity Fee Code (\$)	Fee Description	Fee Paid
1001 770	2001 385	Utility filing fee	
1002 340	2002 170	Design filing fee	
1003 530	2003 265	Plant filing fee	
1004 770	2004 385	Reissue filing fee	
1005 160	2005 80	Provisional filing fee	
SUBTOTAL (1)			(\$) 0

2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE

Total Claims	Extra Claims	Fee from below	Fee Paid
14	-20** = 0	0	0
Independent Claims	2	-3** = 0	0
Multiple Dependent			0

<u>Large Entity</u>		<u>Small Entity</u>		<u>Fee Description</u>
Fee Code	Fee (\$)	Fee Code	Fee (\$)	
1202	18	2202	9	Claims in excess of 20
1201	86	2201	43	Independent claims in excess of 3
1203	290	2203	145	Multiple dependent claim, if not paid
1204	86	2204	43	** Reissue independent claims over original patent
1205	18	2205	9	** Reissue claims in excess of 20 and over original patent

**or number previously paid, if greater; For Reissues, see above

FEE CALCULATION (continued)

3. ADDITIONAL FEES

Large Entity Fee Code (\$)	Small Entity Fee Code (\$)	Fee Description	Fee Paid
1051 130	2051 65	Surcharge - late filing fee or oath	
1052 50	2052 25	Surcharge - late provisional filing fee or cover sheet	
1053 130	1053 130	Non-English specification	
1812 2,520	1812 2,520	For filing a request for ex parte reexamination	
1804 920*	1804 920*	Requesting publication of SIR prior to Examiner action	
1805 1,840*	1805 1,840*	Requesting publication of SIR after Examiner action	
1251 110	2251 55	Extension for reply within first month	
1252 420	2252 210	Extension for reply within second month	
1253 950	2253 475	Extension for reply within third month	
1254 1,480	2254 740	Extension for reply within fourth month	
1255 2,010	2255 1,005	Extension for reply within fifth month	
1401 330	2401 165	Notice of Appeal	
1402 330	2402 165	Filing a brief in support of an appeal	
1403 290	2403 145	Request for oral hearing	
1451 1,510	1451 1,510	Petition to institute a public use proceeding	
1452 110	2452 55	Petition to revive - unavoidable	
1453 1,330	2453 665	Petition to revive - unintentional	
1501 1,330	2501 665	Utility issue fee (or reissue)	
1502 480	2502 240	Design issue fee	
1503 640	2503 320	Plant issue fee	
1460 130	1460 130	Petitions to the Commissioner	
1807 50	1807 50	Processing fee under 37 CFR 1.17(q)	
1806 180	1806 180	Submission of Information Disclosure Stmt	
8021 40	8021 40	Recording each patent assignment per property (times number of properties)	
1809 770	2809 385	Filing a submission after final rejection (37 CFR 1.129(a))	
1810 770	2810 385	For each additional invention to be examined (37 CFR 1.129(b))	
1801 770	2801 385	Request for Continued Examination (RCE)	385
1802 900	1802 900	Request for expedited examination of a design application	

Other fee (specify)

*Reduced by Basic Filing Fee Paid

SUBTOTAL (3) (\$) 385

SUBMITTED BY

(Complete if applicable)

Name (Print/Type)	Mark A. Garzia	Registration No. (Attorney/Agent)	35,517	Telephone	610.485.9400
Signature	<i>Mark A. Garzia</i>	Date	2 JULY 2004		

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SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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Appl # 10/614,598

Applicant: Jonathan D. Douglas et al.

Filing Date: July 7, 2003

Atty. Dkt.: FDS-10.1-US

Title: **ESTIMATING EVAPORATOR AIRFLOW IN VAPOR COMPRESSION
CYCLE COOLING EQUIPMENT**

Kindly acknowledge receipt of the following documents by date stamping
and returning this card to the attorney of record:

- 1) Certificate of Express Mailing (Label # EU887722995US), dated July 2, 2004
(1 pg.);
- 2) Request for Continued Examination (RCE) Transmittal (1 pg.);
- 3) Information Disclosure Statement (5 pgs.);
- 4) Five Non-Patent documents;
- 5) Fee Transmittal for FY 2004 (1 pg.);
- 6) PTO-1449 form (4 pgs.); and
- 7) Credit Card Payment Form charging \$385 (1 pg.).

Thank you.

EU 887722995 US

Appl # 10/614,598

Applicant: Jonathan D. Douglas et al.

Filing Date: July 7, 2003

Atty. Dkt.: FDS-10.1-US

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Thank you.

PTO

10/10/2004

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT : Jonathan D. Douglas et al.
TITLE : ESTIMATING EVAPORATOR AIRFLOW IN
VAPOR COMPRESSION CYCLE COOLING
EQUIPMENT
APPLN. NO. : 10/614,598
FILING DATE : July 7, 2003
EXAMINER : Marc E. Norman
ART UNIT : 3744
ATTORNEY DOCKET NO. : FDS-P10.1-RCE

TO: Mail Stop RCE
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

CERTIFICATE OF EXPRESS MAILING (37 C.F.R. §1.10)

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Date: July 2, 2004

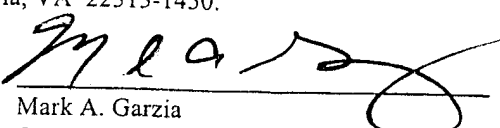
I hereby certify that this Request for Continued Examination (RCE) application, including the following papers or fees:

- 1) Request for Continued Examination (RCE) Transmittal (1 pg.);
- 2) Information Disclosure Statement (5 pgs.);
- 3) PTO-1449 form (4 pgs.);
- 4) Five Non-Patent documents listed on PTO-1449 form;
- 5) Fee Transmittal for FY 2004 (1 pg.);
- 6) Credit Card Payment Form charging \$385 (1 pg.); and
- 7) Self-addressed, postage prepaid, postcard so the PTO can acknowledge receipt of this RCE Application.

is being deposited with the United States Postal Service "EXPRESS MAIL POST OFFICE TO ADDRESSEE" service under 37 C.F.R. §1.10, postage prepaid, on the date indicated below and is addressed to: Mail Stop RCE, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Date:

2 JULY 2004


Mark A. Garzia
Customer Number: 021616